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| [TOC](#) | [Preface](#) | [Chapter1](#) | [Chapter2](#) | [Chapter3](#) | [Chapter4](#) | [Chapter5](#) |
[Chapter6](#) | [Chapter7](#) | [Chapter8](#) | [Chapter9](#) | [AppendixA](#) | [AppendixB](#) |
[AppendixC](#) | [ALL](#) |

Chapter 8. Disposal of Real Property

8.1 Overview

8.1.1 This chapter discusses the policies and procedures by which NASA disposes of its real property assets, including:

- a. Reporting excess property.
- b. Prerequisites to disposal action.
- c. Disposal action.
- d. Disposal action considerations.

8.1.2 NASA does not have direct authority to dispose of its excess real property assets. [The Federal Property and Administrative Services Act of 1949](#), as amended, 40 U.S.C. §471 et seq. establishes the GSA as the Federal agency responsible for the sale of Federal assets and the sole authority to institute regulations for such actions, which are found in GSA Federal Management Regulations (FMR).

8.1.3 NASA cannot sell real property without specific legislative authority and, so, must follow the requirement of the Act by which NASA must consult and coordinate with GSA on the sale of excess property. Within NASA, 14 CFR, Part 1204.501 delegates the authority to sell or otherwise dispose of NASA real property, in accordance with the provisions of 40 U.S.C. §471, et seq, to the Assistant Administrator for Strategic Infrastructure and the Director, FERP Division. Thereby, all sale of real property shall be coordinated by and through the FERP Division.

8.1.4 Plans for the disposal of real estate, regardless of level or origin, shall not be prematurely disclosed. Information concerning these plans will normally be designated "Sensitive but Unclassified (SBU)." This designation will be canceled after the FERP Division has determined property is excess or after the 30-Day Notification to Congress as described in Section 8.3.1.1. Compliance with environmental, historic preservation, and similar legal documentation requirements does not constitute premature disclosure of disposal plans and must be coordinated by the FERP Division.

8.1.5 Disposal of real property shall be communicated to the DCFO (F) to effect final settlements, salvage value, sales proceeds, and removal of the assets from the general ledger. The RPAO shall notify the DCFO (F) when property is to be disposed and, therefore, removed from NASA real property records.

8.2 Reporting Excess Property

8.2.1 Sequence of Reports

8.2.1.1 In accordance with FMR 102.75-115, Centers shall prepare Standard Form (SF) 118, Report of Excess Real Property, and transmit it to the Director, FERP Division. This declaration is to be signed by the Center Director.

8.2.1.2 Centers shall request coordination and approval for disposal from the FERP Division in writing when they submit the SF-118.

8.2.1.3 The FERP Division shall submit Centers' Reports of Excess Real Property (as specified in Section 8.2.2) to the GSA.

8.2.1.4 The FERP Division shall provide copies of the Report of Excess Real Property to the Office of General Counsel, the Office of Legislative and Intergovernmental Affairs, and to the NASA DCFO (F).

8.2.1.5 Headquarters should receive a Notice of Receipt when GSA accepts a Report of Excess Real Property.

8.2.2 Content of Reports of Excess Real Property

8.2.2.1 Excess property reports shall include:

- a. An accompanying SF 118a for buildings, structures, utilities, and miscellaneous facilities.
- b. SF 118b for land.
- c. SF 118c for related personal property.
- d. A description of the property.
- e. The date that title to the property was vested in the United States.
- f. All exceptions, reservations, conditions, and restrictions relating to the title acquired by the United States.
- g. Detailed information concerning any actions or circumstances since acquisition that may have affected the right, title, and interest of the United States to the property, together with copies of opinions or comments that may be contained in the file concerning the described actions or circumstances. If no such action or circumstance

has occurred, then a statement to that effect will be included in the report under this element.

h. The status of the legislative jurisdiction of the real property.

i. Information concerning any known flood hazards or flooding of the property and whether it is located in a flood plain or wetlands, as well as a listing or citation to the uses that are restricted under identified Federal, State, or local laws and regulations as a consequence.

j. Identification of any fixtures or related personal property that have possible historical significance or artistic value.

k. The historical significance of the property, if any, and whether the property has been listed or is eligible for listing in the National Register of Historic Places or is in proximity to such a historic property. Whether the public, or interested parties, are making any effort to have the property listed will also be included in the report.

l. The identification of the type, location, and condition of any asbestos known to be incorporated into the buildings or structures on the property. Available estimates of the cost and time to remove the asbestos contamination will also be included in the report.

m. A statement indicating whether any hazardous substance activity (as defined by 40 CFR, Part 373) took place on the property.

(1) If such activity took place, include information on the type and quantity of such hazardous substance, and the time when such storage, release, or disposal took place. The report also shall note if all remedial action necessary to protect human health and the environment has been taken before the property was declared excess. If no remedial action has been taken or completed, then when the action will take place should be stated.

(2) If no hazardous substance activity has taken place on the property (as defined in 40 CFR, Part 373), then the report shall include the following statement:

(3) "The [reporting agency] has determined, in accordance with regulations issued by the Environmental Protection Agency (EPA) in 40 CFR, Part 373, that there is no evidence to indicate that hazardous substance activity took place on the property during the time the property was owned by the United States."

8.2.2.2 With the report of excess and the accompanying SF 118, copies of all title evidence documents, any appraisal reports, and a signed certification that the property does not contain any PCB transformers or other equipment regulated by EPA under [40 CFR, Part 761](#) shall be submitted.

8.2.2.3 If the property does contain equipment subject to 40 CFR, Part 761, then the signed certification shall include an assurance that the PCB equipment will be maintained in compliance with 40 CFR, Part 761 until disposal of the property.

8.2.2.4 Requests to withdraw reports of excess shall be routed through the same channels as the original recommendation to excess the property.

8.2.3 Holding Agency Responsibilities

8.2.3.1 After real property is reported to GSA as excess, NASA remains the "holding agency" for that property.

8.2.3.2 The holding Center/Program retains custody and accountability of the property and shall continue programming funds and personnel for protection and maintenance until the date GSA disposes of the property or agrees to assume this responsibility.

8.2.3.3 The Center shall show the real property to prospective transferees or purchasers.

8.2.3.4 The FERP Division shall maintain close liaison with the GSA to ensure prompt transfer of custody and accountability to the GSA or the recipient of the property.

8.3 Prerequisites to Disposal Actions

8.3.1 Notifications

8.3.1.1 Before a disposal action can be initiated by a Center, the following criteria must be met:

- a. The real property shall be in excess of the needs of the holding Center.
- b. Before declaring property as excess, Centers shall discuss the property with other Program Offices at the Center to determine if they need the property.
- c. The RPAO shall coordinate with Center personal property officials regarding personal property related to its real property.
- d. If capitalized value as recorded in the RPMS is greater than \$50,000, the proposed disposal action will be reported to Congress per Section 207 of the Space Act (42 U.S.C. §2476a).
- e. The Administrator of NASA, or the designee, shall prepare a report on the proposed disposal action that includes a full and complete statement of the action proposed and the facts and circumstances relied upon in support of such action.
- f. The Administrator, or the designee, also shall notify the Speaker of the House, the Committee on Science and Astronautics of the House of Representatives, the President of the Senate, and the Committee on Aeronautical and Space Sciences of the Senate. No disposal may take place until 30 days have passed since notification was provided or until each committee has provided written notice that it has no objection to the proposed disposal.
- g. For excess land with a recorded capitalized value of more than \$50,000, a written submission identifying the facility and presenting the rationale for disposal shall be sent to NASA Headquarters for review and approval by the Director, FERP Division.
- h. Proposed disposal actions shall be reviewed for legal sufficiency and concurrence by the Center's Chief Counsel's office.

8.3.1.2 When the Center's written report of excess property has been received and NASA is authorized to dispose of the property, the Director, FERP Division shall direct the Real Property and Planning Branch to screen the real estate within NASA.

8.3.1.3 Property screening shall:

- a. Identify the total acreage and all major improvements.

- b. State the distance from the nearest population center and furnish a vicinity map.
- c. If considered desirable, indicate former use, potential use, and highest and best use.
- d. Estimate the annual protection and maintenance costs for the facility.
- e. Name any significant encumbrances or restrictions affecting valuation or conveyance of title.
- f. List outstanding or expressed interests.

8.3.1.4 Centers/Programs with interest for all or part of the property must submit written requests to the FERP Division.

8.3.1.5 An applicant shall conclusively show that:

- a. The property is essential to accomplish an assigned mission and that no other real property under the applicant's control can satisfy the requirement.
- b. Existing funds are available for operation and maintenance of the property.

8.3.1.6 The FERP Division will not consider a request unless detailed written justification is received within 30 days from the date of screening.

8.3.1.7 After the property is screened, and if the FERP Division does not receive a letter of interest within 30 days of screening, the property will be considered surplus.

8.4 Disposal Actions to the General Services Administration

8.4.1 Disposal Procedures

8.4.1.1 FMR 102-75, titled "Real Property Disposal," sets forth the procedures for disposing of real property that is excess to a Federal agency's needs. These regulations require the Federal agency to report excess property to the GSA.

8.4.1.2 Real property reported to the GSA as excess is first made available for transfer to other Federal agencies that have a need for the property. If no other agency needs the property, it is then considered as surplus property and may be made available for other uses through public benefit conveyances (PBC), negotiated sales, or public land sales, based on GSA's determination of the property's highest and best use.

8.4.1.3 The RPAO shall coordinate with Center personal property officials regarding personal property related to the real property being reported for disposal.

8.4.2 Priority of Disposal Options to the General Services Administration

8.4.2.1 If a property is suitable for use by the homeless, according to the Department of Housing and Urban Development (HUD), transferring the property as a homeless conveyance shall be considered before any other PBC can be considered. (See Section 8.6 of this NPR for further information.)

8.4.2.2 As a PBC, the property may be substantially discounted in price (up to 100-percent reduction in fair market value) if it is used for a specific public use that qualifies through a partner Federal agency.

8.4.2.3 The GSA may negotiate a sale at an appraised fair market value with a State or local Government if the property will be used for another public purpose.

8.4.2.4 If State and local governments or other eligible nonprofits do not wish to acquire the property, the GSA may dispose of surplus property via a competitive sale to the public, generally through a sealed bid or auction.

8.4.3 Disposal by Demolition

8.4.3.1 Demolition, including deconstruction, is an appropriate disposal action for NASA real property assets no longer required by NASA. If the real property is to be demolished, including by deconstruction, the following actions shall be taken:

a. NASA Form 1509, describing the scope and need for the demolition, shall be submitted to the FERP Division for approval. Processes for NASA Form 1509 are detailed in NPR 8820.2, Appendix C.

b. A letter, signed by the Center Director or Designee, requesting authority to proceed with the demolition shall be sent to the Director, FERP Division. The letter should include:

(1) A list of the buildings to be demolished along with their book value and square footage.

(2) Confirmation of status or changes in status in the RPMS.

(3) An approval line for signature by the Director, FERP Division.

(4) A copy of the approved NASA Form 1509 (see Section [8.4.3.1a](#) above).

8.4.4 Disposal Proceeds

8.4.4.1 When real property in the United States (excluding property in foreign countries) has been declared excess and accountability transferred to another Federal agency or title has been transferred to a non-Government entity, reimbursements related to the transfer will be deposited using the following procedures:

a. Separately identifiable real property proceeds and other proceeds not separately identifiable from associated real property shall be deposited to the appropriate U.S. Treasury account.

b. Proceeds from property separately identifiable from associated real property shall be deposited to the appropriate U.S. Treasury account.

8.4.4.2 Proceeds from sales of surplus real property in foreign countries shall be deposited to the appropriate U.S. Treasury account.

8.4.4.3 The Director, FERP Division, shall coordinate and approve all real property matters involving international locations with the NASA Office of the General Counsel and, through them, the NASA Office of International and Interagency Relations. NASA Headquarters will coordinate with the Department of State as required.

8.4.4.4 Centers shall ensure that related personal property is promptly redistributed, transferred, or disposed of in accordance with personal property authority. All actions will ensure that the timing and method of disposal of related personal property will not delay disposal of the real property.

8.5 Disposal Action Considerations

8.5.1 Environmental Considerations

8.5.1.1 The NASA disposing official shall coordinate with the Center Environmental Office as early as possible to ensure that all environmental requirements are met.

8.5.1.2 The Center shall comply with NASA NEPA requirements for documentation to assess potential environmental impacts of the action in accordance with NPR 8580.1. An Environmental Assessment or Environmental Impact Statement may be required.

8.5.1.3 NEPA documentation shall include an EBS that reviews the operational history of the real property to identify potential environmental issues including, but not limited to, hazardous substance activities, equipment containing polychlorinated biphenyls, asbestos-containing materials, underground storage tank systems, wetlands, and floodplains. In many cases, required remediation will need to be completed prior to transfer of the property.

8.5.1.4 Environmental requirements may also include the closure requirements of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) and the Resource Conservation and Recovery Act (RCRA) (in accordance with NPR 8850.1).

8.5.1.5 Disposal of real property shall comply with Federal guiding principles for sustainability, as established in EO 13423 and EO 13514, as applicable to deconstruction, waste diversion, and recycling.

8.5.2 Historic Preservation Considerations

8.5.2.1 The NASA disposing official shall coordinate with the Center's Historic Preservation Officer as early as possible to ensure that all historic preservation requirements are met.

8.5.2.2 If the disposal involves historic property, then it is necessary to comply with the requirements of Section 106 of NHPA, which usually involves coordinating with the SHPO and the President's ACHP. Section 106 of the NHPA helps determine whether there will be adverse effects on historic properties as a result of the disposal action and what mitigation measures are appropriate. The goal of the coordination efforts is to establish an MOA with the SHPO or ACHP regarding these proposed mitigation measures.

8.5.3 Local Considerations

8.5.3.1 Centers shall, with FERP Division concurrence, coordinate disposal of real property that may affect community developmental plans with the appropriate State and local elected officials.

8.5.4 Safety Considerations

8.5.4.1 The NASA disposing official shall coordinate with the Center Safety and Mission Assurance office (SMA) as early as possible to ensure that all safety hazards and other related safety issues have been identified and addressed to comply with NASA standards, procedures, and criteria.

8.5.4.2 Safety documentation shall include a Safety Baseline Survey that provides the operational safety history of the real property and identifies the potential safety hazards and concerns as related, but not limited, to:

- a. Facility safety.
- b. Fire protection.
- c. Confined space entry.
- d. Nuclear safety.
- e. Radiation protection.
- f. Explosives.
- g. Pressurized systems.

8.5.4.3 Safety Baseline Surveys may also include past records of Safety and/or Facility Deficiencies Inspections. In many cases, required abatement actions will need to be completed prior to the actual transfer of the property.

8.6 McKinney Act Screening for the General Services Administration

8.6.1 The McKinney-Vento Homeless Assistance Act ([42 U.S.C. §11411](#)), commonly called the Homeless Assistance Act, or McKinney Act, requires Federal agencies to identify and make available excess Federal real property, such as buildings and land, for use by States, local governments, and nonprofit agencies to assist the homeless. Thus, it is essential to conduct a "McKinney screening" in the early stages of any efforts to privatize underutilized NASA real property.

8.6.2 The McKinney Act requires the Department of Housing and Urban Development (HUD) to request information from Federal agencies regarding unutilized, underutilized, excess, and surplus Federal real properties (including land, buildings, and relocatable buildings). Pursuant to the McKinney Act, HUD collects this information on a quarterly basis to determine which properties may be suitable for use as facilities to assist the homeless. HUD has the sole responsibility for determining whether a property is suitable for use by the homeless.

| [TOC](#) | [Preface](#) | [Chapter1](#) | [Chapter2](#) | [Chapter3](#) | [Chapter4](#) |
[Chapter5](#) | [Chapter6](#) | [Chapter7](#) | [Chapter8](#) | [Chapter9](#) | [AppendixA](#) |
[AppendixB](#) | [AppendixC](#) | [ALL](#) |

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